

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

10 Steven Diaz

11 Petitioner, No. CIV S-05-0376 MCE CMK P

12 vs.

13 Derral Adams

14 Respondent. ORDER

15 \_\_\_\_\_ /  
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of  
17 habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma  
18 pauperis.

19 Examination of the in forma pauperis affidavit reveals that petitioner is unable to  
20 afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis will be  
21 granted. See 28 U.S.C. § 1915(a).

22 Since petitioner may be entitled to the requested relief if the claimed violation of  
23 constitutional rights is proved, respondents will be directed to file a response to petitioner's  
24 application.

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1 Petitioner has also filed a request for appointment of counsel. In light of the  
2 complexity of the legal issues involved, the court has determined that the interests of justice  
3 require appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B); see also Weygandt v. Look,  
4 718 F.2d 952, 954 (9th Cir. 1983).

5 In accordance with the above, IT IS HEREBY ORDERED that:

6 1. Petitioner's request to proceed in forma pauperis is granted;

7 2. Respondents are directed to file a response to petitioner's application within  
8 thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer  
9 shall be accompanied by any and all transcripts or other documents relevant to the determination  
10 of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;

11 3. Petitioner's traverse, if any, shall be filed and served within thirty days of  
12 service of an answer;

13 4. If the response to petitioner's application is a motion, petitioner's opposition  
14 or statement of non-opposition shall be filed and served within thirty days of service of the  
15 motion, and respondents' reply, if any, shall be filed within fifteen days thereafter;

16 5. The Clerk of the Court shall serve a copy of this order together with a copy of  
17 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jo Graves,  
18 Senior Assistant Attorney General and;

19 6. The Federal Defender is appointed to represent petitioner.

20 7. The Clerk of the Court is directed to serve a copy of petitioner's habeas corpus  
21 application and a copy of this order on Ann McClintock, Assistant Federal Defender.

22 8. Petitioner's counsel shall contact the Clerk's Office to make arrangements for  
23 copies of other documents in the file.

24 9. A status conference is set for February 14, 2006, at 10:00 a.m. in front of the  
25 Honorable Craig M. Kellison, United States Magistrate Judge at the United States District  
26 Courthouse, 2986 Bechelli Lane, Redding California.

1 10. All parties shall appear at the status conference by counsel.

2 11. Fourteen days prior to the conference, the parties shall file and serve status  
3 reports which address the timing and order of the following matters:

4 a. Discovery and investigations;  
5 b. Anticipated motions;  
6 c. The need for and timing of an evidentiary hearing;  
7 d. Enumeration and resolution of unexhausted claims; and  
8 e. Possible future amendments to the pleadings.

9 The parties are advised that failure to timely file a status report may result in sanctions.

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11 DATED: October 20, 2005.

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13 CRAIG M. KELLISON  
14 UNITED STATES MAGISTRATE JUDGE